

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 38-68, 80-83 and 90-100 remain in the application and claims 38-42, 50, 80, 90, 91 and 99 are independent. Claims 42, 46, 49, 52, 55, 57, 65, 68 and 100 stand withdrawn from consideration by the Examiner under 37 C.F.R. § 1.142(b) as directed to a non-elected invention. Applicant respectfully notes for the record that should the claims upon which the withdrawn claims depend become allowable, these dependent claims will be subject to rejoinder under the provisions of MPEP § 821.04, since they would also be allowable on their face. Thus, it would appear claim 100 is automatically allowable under the provisions of rejoinder since it depends from allowable claim 99. An indication of such is respectfully requested in response to this Reply. The Office Action dated November 12, 2009 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of this application are respectfully respected in view of the following remarks.

Allowable Subject Matter

The Office Action again indicates that claims 80-83 and 99 are allowable. Applicant appreciates this continued indication of allowability.

Legal Standard for Anticipation and Obviousness Rejections

According to MPEP § 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

Similar to anticipation rejections, in order to establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational

underpinning to support the legal conclusion of obviousness.” *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 82 USPQ2d 1385, 1395 (2007) (citing *In Re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)).

Claim Rejections – 35 U.S.C. § 102

Claims 38, 43, 45, 47, 91-95 and 97 stand rejected under 35 U.S.C. § 102(b) as anticipated by Jeong. Applicant submits that the Examiner has failed to establish a *prima facie* case of anticipation and respectfully traverses the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the cited reference must teach or inherently include each and every element of the claims. In addition to the above cites, see MPEP § 2131 and MPEP § 706.02.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 38 has been amended to recite a combination of elements in a thin design display apparatus including that the thin type display unit is supported by the stand/pillar structure in a first usage mode, by inserting the fitting part into the insert space, and is removable by pulling out the fitting part to separate the display unit from the stand/pillar structure for support on the thin type display unit and the fitting part in a second usage mode; and wherein rotation of the fitting part adjusts the angle of elevation of the thin type display unit in the first usage mode and the second usage mode. Applicant respectfully submits that this combination of elements as set forth in independent claim 38 is not disclosed or made obvious by the prior art of record, including Jeong.

The Examiner states that Jeong includes a stand/pillar structure 25 that has an insert space having a fitting part 23. Applicants respectfully submit that there is no disclosure that the fitting part 23 is removable from base part 13, and to the contrary it would appear that the presence of cables 5 that runs through the stand part would clearly prevent the separation of the display unit from the base part 11. Nothing in Jeong indicates that the display is removable. The disclosure of the reference is predicated on keeping the cables protected within the stand. And the

construction of the device, including the cables 5, clearly indicates that the display is not removable. Just because the casing 23 and 25 is adjustable vertically does not mean that it is separable. Therefore, the display part of Jeong cannot be separated from the base part so as to function in two usage modes, the first in which the display is supported by the first usage mode, and the second where the display unit is removable by pulling out the fitting part to separate the display unit from the stand/pillar structure for support on the display unit and the fitting part in a second usage mode. Note that the terms first and second usage modes find support on pages 11-13, among other places, in the original specification. Therefore, the display of Jeong is not removable from the stand, but even if it could be removed, which we do not admit, there is no disclosure of a second usage mode where the display may be supported on the display unit and the fitting part, as shown for example in Figure 22. And finally, there is no disclosure in Jeong that rotation of the fitting part adjusts the angle of inclination of the display unit in both the first and second usage modes. Because each and every element of the claim has not been met, *prima facie* anticipation has not been established. Applicant respectfully submits that the combination of elements as set forth in independent claim 38 is not disclosed or made obvious by the prior art of record, including Jeong, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 43, 45 and 47, Applicant submits that dependent claims 43, 45 and 47 depend, either directly or indirectly, from independent claim 38 which is allowable for the reasons set forth above, and therefore claims 43, 45 and 47 are allowable based at least on their dependence from claim 38. Reconsideration and allowance thereof are respectfully requested.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 91 has been amended to recite a combination of elements in a thin design display apparatus including a removable stand structure having an insert space adapted to slidably, removably receive the fitting part, the stand structure supporting the thin type display unit when the fitting part is in the insert space, and whereby pivoting of the fitting part permits adjustment of the angle of the thin type display unit when it is supported on the stand structure and when it is supported by the fitting part and the thin type display unit. Applicant respectfully submits that

this combination of elements as set forth in independent claim 91 is not disclosed or made obvious by the prior art of record, including Jeong. Applicants respectfully submit that for the reasons discussed above, Jeong does not have a removable stand structure because the fitting part 23 cannot be removed from the base part 13, and therefore the display unit cannot be supported by the fitting part and the display unit. And therefore, the fitting part cannot permit adjustment of the angle of the display unit when it is supported by the fitting part and the display unit as claimed, and as shown in Figure 22 when the display and stand are removed from each other and supported in the manner claimed. Applicant respectfully submits that the combination of elements as set forth in independent claim 91 is not disclosed or made obvious by the prior art of record, including Jeong, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 92-95 and 97, Applicant submits that dependent claims 92-95 and 97 depend, either directly or indirectly, from independent claim 91 which is allowable for the reasons set forth above, and therefore claims 92-95 and 97 are allowable based at least on their dependence from claim 91. Reconsideration and allowance thereof are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 39-41, 50, 51, 53, 54, 56, 58, 59, 61-64, 66, 90 and 96-98 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jeong in view of Helgeland. Applicant submits the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverses the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. In addition to the above cites, see MPEP § 706.02(j) and MPEP §§ 2141-2144.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 39 has been amended to recite a combination of elements in a thin design display apparatus including that the thin type display unit is supported by the stand/pillar structure in a first usage

mode, by inserting the fitting part into the insert space, and wherein the fitting part of the display unit can be pulled out and removed from the stand/pillar structure and the fitting part supports the display unit on the display unit and the fitting part in a second usage mode. Applicant respectfully submits that this combination of elements as set forth in independent claim 39 is not disclosed or made obvious by the prior art of record, including Jeong and Helgeland. Applicant respectfully submits that, as discussed above, the stand/pillar 25 and fitting part 23 of Jeong identified by the rejection are constructed so that the fitting part of the display unit cannot be pulled out and removed from the stand/pillar structure and the fitting part support the display unit on the display unit and the fitting part in a second usage mode, as now required in the claim. Helgeland was cited to show what is alleged to be an anti removal device 16 and 17. With all due respect, gears 16 and 17 are provided in Helgeland merely to provide a height adjustment, not to permit or prevent removal, as claimed, either explicitly or inherently. There is nothing in the references that establishes either function by this pair of gears 16 and 17. Helgeland, like Jeong, fails to show or suggest first and second usage modes where a fitting part of the display unit can be pulled out and removed from the stand/pillar structure and the fitting part supports the display on the display unit and the fitting part in the second usage mode, and therefore Helgeland cannot remedy the defects of Jeong discussed above. Applicant respectfully submits that the combination of elements as set forth in independent claim 39 is not disclosed or made obvious by the prior art of record, including Jeong and Helgeland, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 40 has been amended to recite a combination of elements in a thin design display apparatus including the feature that the fitting part of the display unit can be separated from the stand/pillar structure and rotation of the fitting part adjusts an angle of elevation of the thin type display unit when the thin type display unit is supported by the stand/pillar structure and when the thin type display unit is separated from the stand/pillar structure. Applicant respectfully submits that this combination of elements as set forth in independent claim 40 is not disclosed or made obvious by the prior art of record, including Jeong and Helgeland. Applicant respectfully submits that, for

the reasons noted above, the stand/pillar 25 and fitting part 23 identified by the rejection are constructed so that the display unit cannot be separated from the stand/pillar structure and there is no disclosure in Jeong that the display can be supported by the stand/pillar structure when the display unit is separated from the stand/pillar structure. Therefore the display of Jeong cannot adjust an angle of elevation when separated from the stand/pillar structure. Helgeland shows gears 16 and 17, but these gears clearly fail to permit a fitting part of the display to be separated from the stand/pillar structure, and the gears 16 and 17 cannot adjust an angle of elevation of the display when the display is separated from the stand/pillar structure as claimed. Therefore, Helgeland cannot remedy the defects of Jeong discussed above. Applicant respectfully submits that the combination of elements as set forth in independent claim 40 is not disclosed or made obvious by the prior art of record, including Jeong and Helgeland, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 41 has been amended to recite a combination of elements in a thin design display apparatus including that the removal prevention releasing device releases removal prevention of the fitting part by a force acting in the same direction as the fitting part is inserted into the stand/pillar structure to permit separation of the fitting part from the stand/pillar structure, such that the thin type display unit and fitting part may be used without the stand/pillar structure by support of the thin type display unit on the fitting part. Applicant respectfully submits that this combination of elements as set forth in independent claim 41 is not disclosed or made obvious by the prior art of record, including Jeong. Applicant respectfully submits that, for the reasons detailed above, the stand/pillar 25 cannot be separated from fitting part 23 identified in the rejection and therefore there is no removal prevention releasing device that releases removal prevention of the fitting part by a force acting in the same direction as the fitting part to permit separation of the fitting part from the stand/pillar structure, and so that the display unit may be used without the stand/pillar structure by support of the display unit on the fitting part when removed. Similarly, the gears 16 and 17 of Helgeland cannot permit separation of the fitting part from the stand/pillar structure and the gears 16 and 17 fails to show or suggest the display unit and fitting part may be

used without the stand/pillar structure by support of the display unit on the fitting part. Applicant respectfully submits that the combination of elements as set forth in independent claim 41 is not disclosed or made obvious by the prior art of record, including Jeong and Helgeland, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 50 has been amended to recite a combination of elements in a thin design display apparatus including that the display apparatus has a first configuration in which the display unit is supported by the stand/pillar structure, and wherein the display apparatus has a second configuration in which the stand-cum-joint of the display unit is disconnected from the stand/pillar structure to provide a stand for supporting the display unit and the length of the stand-cum-joint is such as to stably support the thin type display unit in the second configuration. Applicant respectfully submits that this combination of elements as set forth in independent claim 50 is not disclosed or made obvious by the prior art of record, including Jeong and Helgeland. Applicant respectfully submits that, for reasons detailed above, Jeong simply is not capable of the two claimed configurations, nor is there a stand-cum-joint in the reference having a length disclosed to be such as to stably support the thin type display unit in the second configuration. Similarly, Helgeland is also not capable of the claimed first and second configurations because nothing within the adjustable stand permits a second configuration in which the stand-cum-joint of the display unit is disconnected from the stand/pillar structure to provide a stand for supporting the display unit and the length of the stand-cum-joint is such as to stably support the display in the second configuration. Therefore, Helgeland cannot remedy the defects of Jeong with respect to claim 50. Applicant respectfully submits that the combination of elements as set forth in independent claim 50 is not disclosed or made obvious by the prior art of record, including Jeong and Helgeland, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 51, 53, 54, 56, 58, 59, 61-64 and 66, Applicant submits that dependent claims 51, 53, 54, 56, 58, 59, 61-64 and 66 depend, either directly or indirectly, from

independent claim 50 which is allowable for the reasons set forth above, and therefore claims 51, 53, 54, 56, 58, 59, 61-64 and 66 are allowable based at least on their dependence from claim 50. Reconsideration and allowance thereof are respectfully requested.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 90 has been amended to recite a combination of elements in a display unit attaching method, including pulling up the grip handle so as to cause a force to act in the direction in which the fitting part is separated from the stand/pillar structure, and applying a force on the anti removal device, at the same time, in the same direction as the fitting part is inserted into the stand/pillar structure, so as to detach the fitting part of the display unit from the stand/pillar structure, and applying a force to the fitting part to adjust the angle of the fitting part with respect to the display unit to provide stable support when separated. Applicant respectfully submits that this combination of elements as set forth in independent claim 90 is not disclosed or made obvious by the prior art of record, including Jeong and Helgeland.

The Examiner states that the fitting part is removable by pulling out the fitting part to separate the display. As was noted in detail above, there is no basis in Jeong for such a conclusion. Nothing in Jeong indicates that the display is removable. And the construction of the device, including the cables 5, clearly indicates that the display is not removable. Just because the casing 23 and 25 is vertically adjustable does not mean that it is separable as claimed. Similarly, the gears 16 and 17 of Helgeland also fail to establish that the step of separation is shown by or suggested by the reference.

Applicant respectfully submits that Jeong and Helgeland, either alone or in combination, fail to show or suggest the steps of pulling up the grip handle so as to cause a force to act in the direction in which the fitting part is separated from the stand/pillar structure, and applying a force on the anti removal device, at the same time, in the same direction as the fitting part is inserted into the stand/pillar structure, so as to detach the fitting part of the display unit from the stand/pillar structure, and applying a force to the fitting part to adjust the angle of the fitting part with respect to the display unit to provide stable support when separated. Applicant respectfully submits that the combination of elements as set forth in independent claim 90 is not disclosed or

made obvious by the prior art of record, including Jeong and Helgeland, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 96-98, Applicant submits that dependent claims 96-98 depend, either directly or indirectly, from independent claim 90 which is allowable for the reasons set forth above, and therefore claims 96-98 are allowable based at least on their dependence from claim 90. Reconsideration and allowance thereof are respectfully requested.

Claims 44 and 48 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jeong in view of official notice. This rejection is also respectfully traversed. The rejection takes official notice of speakers and a cushioning member being common in the art of display units. Whether speakers and cushioning members are common, or not, or known at all, fails to address the fact that neither speakers nor cushioning members remedy the defects of Jeong discussed in detail above, comments of which are incorporated herein. The combination of speakers and/or a cushioning member fails to show or suggest a thin type display unit that is supported by a stand/pillar structure in a first usage mode, by inserting a fitting part into an insert space, and is removable by pulling out the fitting part to separate the display unit from the stand/pillar structure for support on the thin type display unit and the fitting part in a second usage mode; and wherein rotation of the fitting part adjusts the angle of elevation of the thin type display unit in the first usage mode and the second usage mode, as recited in claim 38. Neither Jeong alone, or in combination with the official notice, shows or suggests each and every feature of the claimed invention, and therefore *prima facie* unpatentability has not been established. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 60 and 67 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jeong in view of Helgeland and official notice. This rejection is also respectfully traversed. This rejection also takes official notice of speakers and a cushioning member being common in the art of display units. Whether speakers and cushioning members are common, or not, or known at all, fails to address the fact that neither speakers nor cushioning members remedy the defects of Jeong and Helgeland discussed in detail above, comments of which are incorporated herein. The combination of speakers and/or a cushioning member fails to show or suggest a thin type display

unit that has a first configuration in which the display unit is supported by the stand/pillar structure, and wherein the display apparatus has a second configuration in which the stand-cum-joint of the display unit is disconnected from the stand/pillar structure to provide a stand for supporting the display unit and the length of the stand-cum-joint is such as to stably support the thin type display unit in the second configuration, as recited in claim 50. Neither Jeong alone, or in combination with Helgeland and the official notice, shows or suggests each and every feature of the claimed invention, and therefore *prima facie* unpatentability has not been established. Reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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